

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC
COUNTY JUDGES AND COUNTY
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

UNITED STATES' MEMORANDUM AND NOTICE OF DATA PRODUCTION

This memorandum and notice responds to Texas's filings from yesterday and this morning. (ECF Nos. 299 and 303). Pursuant to the Court's Scheduling and Supplemental Protective Orders (ECF Nos. 231 and 174), the United States has gathered and stands ready to produce today the outputs from the data matching process contemplated by the parties and ordered by this Court.¹ Given what appears to be Texas's last minute and unwarranted questioning of the data production process, the United States files this Notice so that the Court

¹ The Department of Justice has worked with the Defendants and private plaintiffs and plaintiff-intervenors to determine their preferred method for obtaining the data the United States intends to produce. Some, such as the State of Texas, wish to receive the data via express delivery service; some parties have arranged to obtain the data in person from the Department of Justice.

and all parties are aware of how the United States plans to comply with this Court's orders, absent a countermanding order today from this Court.

The United States hereby notifies the Court that in accordance with the common terms of plaintiffs and plaintiff-intervenors' proposed order (ECF No. 297-1) and Defendants' proposed order (ECF No. 299-1), and unless the Court orders otherwise, the United States intends to produce today the same outputs of the database comparison process to Defendants as well as the private plaintiffs and plaintiff-intervenors (with the exception of full nine digit social security numbers, which shall be redacted to the final four digits in all outputs produced other than to Defendants). In making this production, the private plaintiffs and plaintiff-intervenors will receive the contents of all TEAM data from the January 15, 2014 extract of the TEAM database previously produced by Defendants to the United States in this litigation from the following files: "Active_voter-zip" and "Voting_history-zip" (again with the exception of full nine digit social security numbers, which shall be redacted to the final four digits).

The reasoning is as follows.

This Court's Amended Scheduling Order requires the United States to produce data from the database comparison process to all parties no later than today, May 30, 2014. *See* ECF No. 231.

The Supplemental Protective Order at ECF No. 174 obligated the Defendants to produce Texas's voter registration database and relevant state identification databases only to the United States. The United States was then obligated to conduct database comparisons on behalf of all parties in this litigation between the provided Texas databases covering state voter registration and state identification, and between the Texas data and the Federal databases. The Supplemental Protective Order provided that Texas's state identification databases would not be

disclosed to the private parties, and likewise provided that the underlying contents of the Federal databases would not be provided to any party. The Order further provided that at the conclusion of the comparison process, “certain information from the Texas Election Administration Management System [voter registration] database will be provided to other parties” as part of providing the so-called “algorithm responses.” *See* ECF No. 174.

With respect to the scope of data to be provided the private plaintiffs and plaintiff-intervenors, Defendants’ proposed order filed yesterday with this Court is instructive. It asks this Court to order the United States to provide the private plaintiffs and plaintiff-intervenors “with the contents of all TEAM data from the January 15, 2014 extract of the TEAM database previously produced by Defendants to the United States” in this litigation from certain specified files: the “Active_voter-zip” and “Voting_history-zip.” *See* ECF No. 299-1.

Significantly, the United States’ and all other Plaintiffs’ joint proposed order would require the United States to provide *the exact same information* from TEAM to the private plaintiffs and plaintiff-intervenors as Texas would have the United States provide. *See* ECF No. 298 (“The United States shall provide the private plaintiffs and plaintiff-intervenors with the contents of all TEAM data from [specified files] of the January 15, 2014 extract of the TEAM database.”). In other words, the data contemplated by Texas’s proposed order to be provided to the private plaintiffs and plaintiff-intervenors mirrors precisely those data the United States has always intended to produce, and has worked tirelessly to this day to be able to produce.

Accordingly, unless this Court orders otherwise, and pursuant to the Court’s May 30, 2014, deadline for such production (ECF No. 231), the United States will begin such production today to all parties starting at 7:00 pm Eastern Daylight Time (6:00 pm Central Daylight Time).

Date: May 30, 2014

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2014, I served a true and correct copy of the foregoing via electronic mail on the following counsel of record:

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